THE THOUGHTS OF A Private Person; About the JUSTICE OF THE Gentlemens Undertaking AT YORK.

Nov. 1688.

Wherein is shewed, That it is neither against Scripture, nor Moral honesty, to defend their Just and Legal Rights, against the Illegal Invaders of them.

Occasioned then by some Private Debates, and now submitted to better Judgments.

Ex. ex D. Combr. of Earl of Danby.

Printed in the Year 1689.

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The present Undertaking of the Gentlemen at *York*, *Nov.* 88. taken into Consideration; wherein is shewed, That it is neither against Scripture, nor moral Honesty, to defend their Just and Legal Rights against the Illegal and Unjust Invaders of them, by way of Objection and Answer.

FIrst, *That it is not against Scripture is shewed*, Obj. 1, 2, 3.

2. *That it is not inconsistent with the Frame of the Government in General*, Obj. 4.

3. *Not against the Law, but the Law-breakers*, Obj. 5.

4. *Not Rebellion*, Obj. 6.

5. *No Usurpation of the Power of the Sword*, Obj. 7.

6. *No unlawful Act in a moral Sense*, Obj. 8.

7. *Not against true Allegiance*, Obj. 9.

8. *Not against the Declaration in a Legal Sense*, Obj. 10.

9. *Not against Political Power, but Force without Political Power*, Obj. 11.

10. *Not against any Royal Prerogative in general*, Obj. 12.

11. *Not against the Supremacy*, Obj. 13.

12. *Not Criminal Disobedience*, Obj. 14.

13. *Not inconvenient or unsafe for the Publick in respect of the present and approaching Evils in removes*, Obj. 15, 16.

14. *No disparagement to the Frame of the Government that cannot otherwise decide an obstinate difference between King and People*, Obj. 17.

Lastly, *The Conclusion, shewing, That Non-resistance of illegal Force, does in effect make all Monarchs Arbitrary, and the People Slaves.*

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The Thoughts of a Private *Perſon*, &c.

MEN have three Rules to walk by, which we may call Laws, that is, *Nature*, *Reaſon*, and *Religion*; and and anſwerable to theſe three a Chriſtian hath three Principles, that is, *Senſitive*, *Rational*, and *Spiritual*, which I take to be the diſtinction that St. *Paul* makes, 1 *Theſ.* 5. 23. *I pray God your whole Spirit, Soul and Body, be preſerved blameleſs unto the coming of our Lord Jeſus Chriſt.*

Nature conſiders all Men as ſingle Perſons, and directs them to Self-intereſt and Self-preſervation, as the chief end. *Reaſon* conſiders Men as ſociable Creatures, and directs them to unite the Government for the publick Good (inclusive of their own Safety) as the chief End. And the *Spirit* conſiders Men as Candidates for Heaven, and directs them to live according to the Word of God, that they may attain Eternal Happineſs, the chief End of Man. All theſe have the divine Warrant, and are of force where the Lower is not ſuperſeded by the Higher. A ſingle Perſon is not to expoſe himſelf to ruin, unleſs it be for the Publick good; and the Publick are not to expoſe themſelves to Beggary and Slavery, unleſs it be for the Kingdom of Heaven.

Now though theſe Rules may be conſidered ſeparate, and apart, yet they all ought to be in a Chriſtian Government. Laws for the publick Good do not deſtroy the Law of Nature, but ſuperſede it for a greater Good; and the Laws of God do not deſtroy the Law of Reaſon, but ſuperſede it for a higher end, and ſo makes it ſtill more Reaſonable to do ſo. Nothing therefore can juſtifie a Private Injury but the Publick Good, and nothing can hinder the Publick Good for being carried on but Sin. For theſe Laws are not deſtructive but ſupportive of one another, and all ſupportive of Man. When a Man cannot defend himſelf, by the Method

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and Measures of the Publick, (as in case of sudden Assaults) he may by the Law of Nature, break the Peace and smite his Adversary to save his own life, because humane Laws can reward no Person's obedience with so good a thing as life, and therefore, the publick good excepted, his life is to be preferred before all forms of Law. But it is not so with the Laws of God; for if I be urged to deny my Faith, or dye, I must dye rather than break God's Law, because God will give me a better Life, and an infinite Reward. Necessity can suspend a positive Law of Man, that is merely such, but it cannot supersede what is established by God or Nature; an Act therefore that is civilly Unlawful, may notwithstanding be Lawful, because it is not Lawless, but under a more extensive Law. If it be according to the Laws of God, or sound Reason, the Conscience is safe, and the Act commendable before God and good Men, though it be against the form of Political Law: For though it be against the Form, it is not against the Reason of that Law; and the Form not being extensive enough of Man's safety, it must give place to necessity, and absolve him of his duty, when his duty would destroy him.

The Safety of Man shows us both the Necessity and End of humane Government; for when private Persons found they could not be Safe, they were willing to enter into Compacts and Associations, and reposite their private Safety in the publick Interest: And therefore if after this Association some of their Fellows will break the Covenants, and go about to destroy the Rest, it is lawful, both by the Laws of God and Man, for the injured to defend themselves; and by the Laws and Compacts by them made, and consented to, on both sides, for the publick Good. Otherwise it would be unlawful to resist Injustice, and consequently a Thief or a Robber.

Object. 1. *But you will say in all Governments there are Superiours and Inferiours, and God has made Obedience a part of Religion, and consequently conducive to a higher end than the Publick Good; and therefore if the Governours break the Laws, and introduce a Publick Evil for a Private Interest, they must not be resisted upon pain of Damnation.*

Answ. This were a good Plea, if it were true, but God is not the Patron of Injustice; and therefore he gives no

Prince

Prince or Potentate more Authority over the People than the Tables of the Government expreſs, and of theſe there are diverſe degrees. Thoſe that are Govern'd by the Will of their Prince, whoſe Word is a Law, if he command their Perſons for Slaves, or their Eſtates to ſerve his Ambition, they muſt obey, and God requires it of them, becauſe it is the Prince's Right. Arbitrary Princes have a Political Power to treat a Subject cruelly and inhumanely; their Immortality is an offence againſt God, not in juſtice to the Subject who had given himſelf up to be uſed at their diſcretion. But thoſe that are to rule by Laws made for the Publick Good, and ſuch as render the Subjects Freemen, not Slaves; ſuch as ſecures their Religion, Liberty and Property; if theſe Princes contrary to Law impriſon their Perſons, or ſeize their Eſtates, they do it unjuſtly, without God's Warrant, or any Political Authority, and may be reſiſted; or elſe we might not reſiſt the Devil, ſhould he creep into the Court in a Jeſuits habit, and *Haman*-like, get a Commiſſion to cut all our Throats.

If I be called to ſuffer for my Religion, or the Faith of Chriſt, I am bound to ſuffer upon a mighty reaſonable account: For firſt, It is the beſt way to overcome, my Faith can Triumph ſo by no other Victory as by Death, for that is a Victory never to be loſt again. 2. Though I dye, the Tyrant hath not his end, but is by that means utterly defeated of it. And 3. I ſhall be an infinite gainer by it, for I ſhall have an infinite Reward for what I ſuffer, and what I loſe. But there is a vaſt difference between ſuffering for the Faith of Chriſt, and for the frame of a Political Government; for if I may not reſiſt I am overcome. 2. If I am overcome, the Tyrant gets his End; namely, an Arbitrary Power. And 3. He has promis'd no Reward for ſuch Voluntary entering into Bondage, or owning an uſurped Authority. The Church and the frame of the State ſtand upon Two ſeveral Bottoms, God has promiſed to ſupport the Church, and there needs no Arm of fleſh to defend it under the worſt of Governments: But the frame of every Government is a Humane Structure; and though God does impower and authorize every Government, yet he has left the Choice of the ſeveral kinds to the Parties, and has promis'd to bleſs them in the juſt Adminiſtration of their ſeveral Choices; but no where has he promis'd to

support the particular frame they chose, that as their Prudence raised it, so their Prudence must defend it, or it must fall at every King's pleasure, and when they have chosen out the Frame, God that approves it, grants neither the King nor the People greater Priviledges than the Frame it self expresses, which in diverse Nations is different, some submitting to be govern'd by the will of him they Voluntarily chose. Others to one that will Govern by Laws of their own making, and his approving. Others to one of their preceeding Kings Race or Line. Others to a multitude. Others to a few of the best and presumptively wisest Persons, and every Peoples choice must be the measure of their Obedience, if they have made an ill Bargain they must stand to it, and if they have made a good one they may stand for it. If therefore any Governor challenge more of the Subject than is in the Submission, That Subjects may by the Laws of God and Man deny to yield it. And if the Prince deny to give the Subject as much as in the Grant, the Subject may challenge his Right, and if by Force or Fraud, contrary to the Frame of the Government, the Governor will force the Governed from his Right, the Obligation of subjection ceases so far, and he may defend himself from the oppression and injustice as well as he can.

Obj. 2. *But he must defend himself in God's way, his defence must be without Sin. And that is either by Prayers to God, or Intreaties to the Prince, or by Suffering; for the Scripture says,* all Power are of God, and they that resist the Power, resist the Ordinance of God. *Rom.* 13. 2. *And St. Peter gives Christians in Charge,* that they submit to every Ordinance of Man for the Lord's sake.

Answ. All Powers indeed are of God, that is, every Government has God's Warrant to proceed according to the Frame of the Government, to the End of the Government, which is the publick Good. The Power is of God, but the Restraint of the Power is in the Frame of the Government, and the Frame is an humane Ordinance or Structure, as the Apostle elegantly Expresses it, ἀνθρωπίνη κτίσις he therefore that resisteth the Government, proceedeth according to the Frame of the Government, resisteth the Ordinance of God. But if the Governor proceed neither according to the Frame of the

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Government, nor to the End, but againſt it, ſuch Proceſs cannot be the Ordinance of God, unleſs God have two contradictory Ordinances of Force, at one time in the ſame Government, and then the command may be true and falſe, and the Subjects duty good and evil, and men would be perpetually diſtracted with ſerving two Maſters. This would make the Government God's and the Devil's, and as no leſs than to put a Blaſphemous Juggle upon the Ordinance of God: which is always ſimple, and at one with it ſelf. Theſe Scriptures therefore cannot tye us to obey the Governor contrary to the Government, becauſe they tye us to obey the Government; and that this is all they tye us from reſiſting, is evident by the Reaſon St. *Paul* gives, which is, *becauſe the Reſiſters reſiſt the Ordinance of God*; and therefore it is warily expreſt, if it were but as warily read, for it is not whoſoever reſiſteth the perſon or the will of the Governor, but whoſoever reſiſteth the Power (and that Power is neither more nor leſs than the Frame of the Government expreſſes) reſiſteth the Ordinance of God, and to this Reſiſtance the Penalty is annexed.

But it does not follow, becauſe I may not reſiſt the Ordinance of God, that I may not reſiſt the powerleſs and inauthoritative, unjuſt, Attempts of Superiors upon me, for then a Souldier might not reſiſt his Captain that would rob him, nor a Married Man-ſervant his Maſter that would force his Wife.

This I think evidences, That to reſiſt a Superiour and his evil Inſtruments and Accomplices, while they Act contrary to the Frame of the Government, is not to reſiſt the Power of God, or the Ordinance of God, but to keep off thoſe who uſurp upon the Power of God, and the Frame of the Government, and the juſt Rights of others. For I would fain know of the Doctors of Non-reſiſtance, whether the Act that contains the Teſt, have the ſtamp of God's Authority upon it or no; if it have not, the Power of the King and Parliament is no Power of God; if it have, then to reſiſt, that is to reſiſt the Ordinance of God: And thoſe Commiſſions that are contrary to it, have no Power from God: If the affirmative be true the negative is of no force. And therefore to reſiſt ſuch Commiſſions, is not to reſiſt the Ordinance of God, unleſs

God's Ordinances be contradictory, and that would render God guilty of double dealing, as well as the Jeſuits. Which being utterly impoſſible, it muſt be concluded, That the reſiſting ſuch Commiſſions, and the Inſtruments acting by them, is not to reſiſt Lawful Authority, but to remove Unlawful; not to do evil, but to hinder it; not to ſin, but to prevent Sinners for doing miſchief; and it would be very hard meaſure for a Man to be damn'd for doing ſuch a good Office. Biſhop *Bilſon*, therefore ſpeaking of this Text, ſays, *It is not reſiſting the King's Will againſt Law, but according to Law that is forbidden.* And both *Barclay*, and *Grotius* affirm, *That the People may in diverſe Caſes reſiſt Kings that are tyed to govern by Law, which they could not do, did they think theſe Scriptures forbad all reſiſtance.*

Much indeed is ſaid from the Practice of the Jews, and the Primitive Chriſtians, and the Subjection of Servants, but nothing to the purpoſe; for their Caſe is not ours, more than their frame of Government is ours; their Servants were Slaves, and their Kings and Emperours Wills were their Laws; their People had no *Magna Chartaes* to ſhow, nor Fundamental Compacts, and ſo could plead no injuſtice in any command, the frame of the Government Warranted all thoſe commands that had the Royal pleaſure: Their Political Power was more extenſive than their Moral Power. The People were wholly at the Mercy of the Prince: All their Laws were Acts of Grace, not fundamental Reſerves and inherent Rights, and therefore in Spirituals they had no Cauſe to reſiſt, and in Temporals they might not, as was obſerved above. If they had been under limitted Governments as we are, we might have heard of Blows as well as Words, St. *Paul* was never ſo virulent with his Tongue, as when he was ſmitten contrary to Law.

Obj. 3. *But the Perſon of the King is Sacred, and muſt not be touched.*

Anſw. I ſay ſo too; but it is his juſt Power that makes him ſo. And therefore in dangerous times, he is to be counſelled and perſwaded to ſecure himſelf, by keeping within the Sanctuary of the Laws, and holding them forth for the Publick Good, by gaining the Affections of the People, and being

being content with that measure of Power that is proper to the Government. For if he do not, Right may and ought to be defended, and resistance (for the Publick Good) of Illegal Commission'd Forces, is not resisting the King's Person, but his Forces; not his Power, but his Force without Power. If none would execute the King's contradictory Commands, none would resist; and if he will against all Justice, Prudence and Perswasions, joyn with wicked Men, and wilfully expose himself to the mercy of blind Bullets, charge is to be given to all, that none kill him wittingly or wilfully; the hand that lifted him up may not pull him down: God forbid that any should think of killing him *de industrid*, or despair of his repentance before God does, nothing past can prejudice a Penitent before God, and I hope not before Men; thus the King's Person and Power will be safe in the midst of a Civil War, not so safe as in peaceable times, but as safe as can consist with the Subjects Right, when their Religion and Laws, Liberty and Property, are Violently invaded. And therefore if any thing befall his Person by their hands, it is but a chance and accidental thing, which may happen also in peaceable times.

This shows that Resisting the King's illegal commission'd Forces, in defence of their own just Rights, is not Resisting the Ordinance of God, and consequently no Sin; and then the Conscience is not tyed otherwise than the Laws of the Land, and the particular Frame of the Government tyes it.

Obj. 4. *But to resist the King, or his Commissioners, is against the Frame of the Government, it being a Monarchy, and against the Laws and Statutes of the Realm.*

Answ. If it be so, it is a great Sin; but as it is certain this is a Monarchy, so it is certain that it is limited in the Foundation, otherwise the King would have all the Legislative Power, and the Parliament no Authority or Right but derived from him, and then he must be Arbitrary, and we Slaves, and all our Laws must be Acts of Grace, not Fundamental Rights: Not from any inherent Power reserved at the Institution to our selves, and never submitted to the Prince, but from the Gracious condescention of an Absolute Monarch, which is contrary to the Story of all times, which

shows

ſhows that the People ever claimed Liberty and Property, according to their Ancient Laws and Cuſtoms, not as a Gift, but as a Right inherent in themſelves, and never Transferred, Alienated, or Conveyed to any King, but Declared, Recognized and Confirmed to them by many.

I ſhall therefore ſuppoſe (what I think none can upon ſufficient grounds deny) that the King is bound by all the ſacred Tyes of God and Man, to Govern by the Laws, and not otherwiſe, neither by a Foreign Law, nor by one of his own framing, nor by any Word or Will contrary to Law, ſeeing nothing can have the force of Law here, but what has the joynt Conſent of King and Parliament, and that in a Parliamentary way, and this ſhows us in the Terms of Submiſſion that are ſworn to on both ſides. The King and the People by a joynt conſent makes Laws, and make them the common Rule betwixt them, the King ſwears to obſerve the Laws, and the People ſwear to obey the King, and to leave the Execution of the Laws to the King to be managed for the publick good.

Therefore as long as he Governs by Law, he and all his Miniſters are ſafe enough from Reſiſtance, the Reſiſter being lyable to be puniſhed both by God and Man; and the ſole adminiſtration being left to the King, Subjects all but himſelf to Criminal Proceſs, and even himſelf to Civil, but his Perſon and Power are ſafe in both, he may be ſevere in the Execution of the Laws many times, but not unjuſt; As, if he will not ſuſpend a Burthenſom Law, or Revive an Antiquated one, when the Publick good requires it, This may render him uncharitable or imprudent, but he is ſafe yet; For though he be bound to proceed according to Law, yet he is not tyed to proceed always according to the beſt Methods, when there are diverſe. But if he ſtop the Courts of Juſtice, erect new ones, or proceed contrary to Law, he Acts without Authority and againſt his own Authority, and puts on a kind of a Vizard, that his Subjects can neither know him nor their Duty; for it is the Laws that direct them to the Perſon of the King, and their own Duty, without which they could know neither: And if the End be not the Publick Good it is downright Injuſtice, as well as politically Powerleſs. Neceſſity indeed may juſtifie a Political, unlawful Act for the Publick Good.

Good. As in case of an Invasion to burn a Garrison rather than it should be a refuge for the Enemy, or to open Sluces and to drown a part of the Country, for though these things have not the form of Law, they have the reason, and that is Publick Good: And therefore it is not Law but Necessity, not the King's Command but Publick Good, that warrants these Acts. And when Peace returns, the Injured are to have satisfaction made by the Publick, not as of Charity, but as of Justice, which shows that the Law looks upon it as a Trespass, justified only by Necessity and the Publick Good. And the particular Persons here, have reason to be quiet and make no resistance, because they shall reap double benefit by it, one in the Publick Good, and another from the Publick Treasure. But it does not follow, that if the King in an angry mood, should command his Guards to fire *Newmarket*, because he had lost an Horse-race there, or had a mind to have a Bonefire, because he had won one, that the Inhabitants might not resist them.

Obj. 5. *By what Law? Not by the Law of the Land?*

Answ. Yes, By the Law of the Land a Petty Constables Word would justifie Resistance, better than the Kings Commission could justifie the illegal Attempt. But suppose there were no Person that had the least Authority, and that the resistance could not be within the prescribed Form of Government; yet because the force is an unauthoritative force, and because there is greater necessity of the End of the Government than of the Form; Men may by the Law of Nature and the Law of Reason proceed to the End, not without all Form, but without the Political Form, for those proceedings that are according to Reason, are not simply under no Law, but under a more extensive Law; and that Law justifies resistance, even of Superiors, when there is no other way of defence left the People. If the Case will admit of Intreaties, or sober Counsels, or legal Appeals, they are to be used; but if there be no room for these, or if they take no place, but illegal force be used, that force may, nay must be resisted, or evil is consented to. For he that will not serve the Publick by that means when there is no other, does actually consent to the ruin of it. He that has his House on fire, and will not stir to quench the flames though he

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be able, is willing ſure it ſhould be burnt. The Rules of Prudence indeed are to be obſerved, for if there be no probability that reſiſtance will prevent the Evil, the attempt is Folly, and if reſiſtance will do more harm than good it is inſerviceable; and if there be any other means effectual it is unreaſonable, for it ought to be the laſt refuge, and then if the Cauſe be Good, Neceſſity juſtifies proceeding to the End: Not by illegal Means, but by ſuſpending the Political Form, and appealing to the Reaſon of Mankind, and introducing the Law of Nature: And this is no more then when Judgement at Common-Law is reverſed in Chancery, the Form of the Law gives place to Equity and ſound Reaſon.

Obj. 6. *But is it Rebellion?*

Anſw. I Anſwer, Rebellion is reſiſting the juſt Power of the Government, and if ſo, then it is no Rebellion to reſiſt the unjuſt and uſurped Power, for then it would be Rebellion to reſiſt Rebellion, and there could be no ſuch thing as a juſt defence againſt the exorbitant Power of Princes; and then the King might Commiſſion a Captain, or a Collonel, to role up and down in the Country and Plunder, and it would be Rebellion in the *Poſſe Com.* (at leaſt in any Private Family) to reſiſt them. And a private Commiſſion to cut our Throats would tye our Hands till the buſineſs were done. But the reſiſting ſuch Force, as has neither Moral nor Political Power, is no more Rebellion than to fight againſt a Wild Beaſt, that came with Strength, but no Authority to devour them. The *Papiſts* indeed have taken up Arms, without and againſt the juſt Power of this Land, not only againſt the Form of Law, but to the overthrow of the Laws, and Fundamental Rights of this Government, directly againſt the Letter, the Power, and the End of the Law, which is as inſlaving to the Subjects as an uſurping Conqueſt; and it is no more Rebellion to reſiſt them, than *Wat Tyler* or *Jack Cade*: They are Rebels who Arm againſt the Government, not they that defend it by Arms.

Obj. 7. *But this is to uſurp the Power of the Sword, which by the Frame of the Government is wholly in the King's Hand.*

Anſw.

Anſw. The Political Power of the Sword indeed is in the King, but that does not deveſt the Subject of all defence by Arms, but only of ſuch defence as is againſt or inconſiſtent with the Political Power. If force be offered that wants Political Power, whoever does it, does it but in the Nature of a private Perſon, and private Perſons may reſiſt ſuch. The Right of Self defence is a precedent Right to all Policy; and every Man has ſo much of it ſtill, as is not given up unto the Political Power he lives under. They therefore that have given themſelves up to be govern'd by Law only, have Right to defend themſelves, not only againſt the private Aſſailant, which is allowed in all Governments, but alſo againſt illegal Force. And this Reſiſtance is no Uſurpation upon the Magiſtrates Power, becauſe it is not an Act of Civil Authority, but of Natural Right: And if thouſands joyn in the Attempt, they are all Volunteers; a Multitude, but no body Corporate; and ſuch as challenge no Authority over thoſe they reſiſt, but deny Subjection to ſuch unauthoritative Force: For ſuch Force wanting Political Power, has no Power but Strength, and Strength authorizes none to injure, but Natural Right authorizes every one to defend himſelf; ſo that in this caſe, the Reſiſter has a moral Power or Warrant, but the illegal Invader none at all.

Obj. 8. *But the Reſiſters ought not to do an unlawful Act to ſuppreſs ſuch illegal Force.*

Anſw. I Anſwer, That Act is not ſimply Unlawful that wants Political Power; the Law is made for the publick Good as the End, and therefore if the preſcribed means be not ſufficient for the End, the Law permits that other reaſonable means be uſed, otherwiſe People might dwell upon the Shadow till they've loſt the Subſtance. The *Poſſe Com.* ought not by the preſcribed form of Law to go into another County; but if the other County at that time had no Sheriff, whereby the power of that County could not be raiſed to defend it ſelf; or if there were Ships in the Borders of the next County, to which the Plunderers might eſcape if they were not hotly purſued, I queſtion not but the *Poſſe Com.* might do a commendable Act to purſue them, and take them in the next County. The Law was made for the publick

Good, and not the Publick Good for the Law; and therefore when the Law cannot anſwer its own End, or preſcribes ineffectual Means, any juſt and honeſt Means may be uſed; and this is not deſtructive of the Law, but ſuppletory; not a violating the Form preſcribed, but an improving it: And though a Man may be called to account for doing a Good Act in ſuch a manner, I ſuppoſe it is but to know the Truth of the Matter, and to preſerve the Reverence of the Laws; for he is already cleared in his own Conſcience, and in the Breaſts of all Good Men; and a Pardon in that caſe does but declare it is ſo, and ought of Right (not of Grace) to be granted. For it is not neceſſary in reſpect of any Crime, but in reſpect of ſome defect in the Law, which had not made ſufficient proviſion for the Publick Good.

Obj. 9. *But it is againſt true Allegiance, and an Oath muſt be kept though it be to our own hurt.*

Anſw. True Allegiance muſt be proportioned to the Frame of the Government, and the end of that Frame. Therefore if the Frame be to reſtrain Arbitrary Power, the Subject cannot owe Arbitrary Allegiance. Allegiance is more in ſome places, and leſs in others; but no Man can owe ſo much Duty to his Prince, as not to have a *Salvo* for God and his Life, and here we can owe none that is againſt our Laws and the Publick Good, for that would deſtroy the Government. Our Allegiance therefore muſt be bounded by our Laws, and not by the King's Word, or Will: No Man can ſwear to obey the King's Word or Will ſimply, but according to Law. It would be Sin to tye our ſelves to think, or ſpeak, or do, what he would have us at large. Our Allegiance therefore muſt be ſuch as will conſiſt with the Frame of our Government, and that muſt be ſuch as is couched in the Body of our Laws. Other Allegiance there can be none, but what is wrapt up in Courteſies and Formalities. For it ſeems the King, as well as the People, is under the Law in ſome Senſe, under the direction of it, though not under the conſtraint; and therefore at his Coronation, he does a kind of Fealty to the Laws and Government, and ſwears Allegiance to them, as to a Supream Lord. The Oath is not only, *Will you grant the Laws, but will you grant and keep the Laws*

and

and Cuſtoms of England; and the Anſwer is, *I grant and promiſe to keep them.* It is certain therefore, no Allegiance to the King can be againſt Law, to which he himſelf owes Allegiance.

The Caſe being thus far clear, That the Allegiance ſworn to, is no other but our Legal Duty; it does not hinder but that we may reſiſt Illegal Force. When the King of the *Scots* ſwore Allegiance to our King, it did not deprive him of a juſt defence of his juſt Right, by taking up Arms if he were oppreſt. And the King of *England* when he ſwore Allegiance to the King of *France*, made no ſcruple to take up Arms againſt his Liege Lord, in defence of his juſt Rights: And the Old Lawyers tells us, That the very Villain might in caſe of Rape and Murther Arm againſt his Lord; and if the Law Arm a Villain againſt his Lord, Subjects are worſe than Villains, if they may not Arm againſt their Sovereign Lord's Illegal Forces, in defence of their Laws, Lives, Eſtates, and the Publick Good; but what makes it moſt evident is the Clauſe in King *Henry*'s Charter, which ſays, *If the King invade thoſe Rights, it is Lawful for the Kingdom to riſe againſt him, and do him what injury they can, as though they ow'd him no Allegiance*; The Words are theſe (if my Author fail me not) *Licet omnibus de Regno noſtro, contra nos inſurgere, & omnia agere quæ gravamen noſter reſpiciant, ac ſi nobis in nullo teneretur.* Much to the ſame purpoſe is in King *John*'s Charter, which I find thus quoted. *Et Illi Barones, cum communa totius terræ, diſtringent & gravabant Nos. Modis omnibus quibus poterunt; ſcilicet per captionem Caſtrorum, terrarum, poſſeſſionum, etalis modis quibus potuerint, donec fuerint emendatum, ſecundum Arbitrium eorum, ſalva perſonâ noſtra & Reginæ noſtræ & Liberorum noſtrorum.* Much may be ſaid of this Nature about the Old Allegiance, which was all couched in Homage and Fealty; but this enough to ſhow that true Allegiance does not tye us from reſiſting Illegal Force, and Intolerable Incroachments upon our juſt Rights.

Obj. 10. *But ſuch Reſiſtances would be againſt the Declaration, which ſays, It is not Lawful upon any pretence whatſoever to take up Arms againſt the King,* &c.

Anſw. The Latitude of the Word Lawful cauſes the

Scruple, which at first View seems to tell us, That it is sinful upon any pretence whatsoever, to take up Arms against the King, *&c.* But it is no good consequence to say, That it is sinful because it is unlawful, unless the Discourse be restrained to the Laws of God. I must confess it is Politically unlawful for Subjects in any Case, or for any Cause whatever, to take up Arms against the King, and those Commission'd by him; because such a taking up Arms here can have no Political Authority: But it is Morally lawful in all limitted Governments to resist that Force that wants Political Power. The Regal Power is Irresistable in all Persons, from the King to the Petty Constable; but it does not hinder but that all these Persons may be resisted, when they do what they have no Political Power to. They that have a limitted Power, and a prescribed Duty, may either Act against, or beyond their Commission; and when they so do, they may be resisted: For such Acts have no Political Power in them, though the Persons have to other Purposes. If a Commission should be granted to a Company of *Ruffians* to Plunder and Massacre, they might have something more of the King's Affections, but no more of his Authority than private Robbers had; and consequently might be resisted with equal Honesty. None therefore can make this Declaration in its full Latitude, but upon this presumption, That the King and his Ministers keep perpetually within the Bounds of the Law; otherwise they declare the King has an Arbitrary Power, which is against the Fundamental Laws of this Land, and a kind of Treason against the State: For if he may not be resisted in any Case, he may be under some Moral restraint, but under no Political restraint; and consequently the Political Frame of the Government must be Arbitrary. The meaning therefore of this Declaration can be no other, but that a Man can have no Civil Power or Authority in any Case to take up Arms against the King, *&c.* But this does not debar any Man of the Natural Right of Self-defence, by Private Arms against Inauthoritative Force.

Obj. 11. *To this some reply, that seeing God hath placed the Governing (though limitted) Power in the King's Hand, no Man may,*

may, by any Natural Right or Private Defence, reſiſt his illegal Force; God's Power muſt not be reſiſted, though abuſed.

Anſw. There is a great difference between the abuſe of Power, and the want of Power; and therefore this Argument either ſuppoſes the Power greater than it is, or concludes ill. The King and Parliament have indeed an Arbitrary Power (I do not ſay Infinite, but as Extenſive as the Frame of the Government will bear) and therefore if they make a very grievous Law (though they ought not, for they are under a Moral reſtraint though no Political) neither the King nor any of his Miniſters may be reſiſted in the due Execution of it. But the King has no Power to burden us beyond or againſt Law; and we may thank our own Weakneſs if ever we have Strength to do it. This ſhows us there is a great difference betwixt the abuſe of Political Power and the want of it. Abuſed Power muſt not be reſiſted, but Force without Power may. The Political Power of Arbitrary Princes, is more extenſive than their Moral Power: And this tyes the Subject to Non-reſiſtance, when he is Immorally or Unchriſtianly uſed. They that ſubject themſelves to anothers Diſcretion, deveſt themſelves of all defence. But they that reſerve Property and Liberty to themſelves, may juſtly defend them, when they are unjuſtly invaded. Had the King an Arbitrary Power, which he did abuſe to vex the *Proteſtants*, I for my part ſhould think my ſelf obliged to ſuffer and not reſiſt, as I believe did all the Primitive Chriſtians; but ſeeing he has no Political Power to uſe me as he liſts, and the moſt Abſolute Monarch has no Moral Power to do an unjuſt Act to his Subject: I ſhould be a ſenſeleſs Fool, if without any Obligation either from God or Man, I ſhould ſtand Blows rather than withſtand them. The Truth is, Non-reſiſtance ſtretch'd thus far, under this Government, would make us like the Two Fools that went to the Field to fight with one Staff, with which *Vice Verſa*, he that had it, cudgell'd the other, who ſtood all the while with his Hands in his Pocket Valiantly bearing all the Blows his Brother Fool thought good to lay on.

2. Others conclude otherwiſe againſt this Doctrine, and ſay, The King having the Sacred Power Lodged in him, may not be reſiſted, though he Act without, or againſt that Power, for reverence of that Juſt Power of God that is in him.

This looks like a picce of Courtſhip to God, and ſmells more of Superſtition than Divinity: God requires no Honor to the prejudice of Juſtice, or the Advancement of Injuſtice; but this too Devout kind of Reverence would inable a bad Prince to injure the Innocent, and would leave Juſtice defenceleſs on Earth. Juſt Power is a Sanctuary indeed, but the Sanctuary is of no larger extent than the Power. This is evident by the Tenour of all Commiſſions, the Granter muſt have a competent Power of what he Grants, and that Warrants the Executor to proceed to the end of the Grant; but the having Power to one Purpoſe, cannot protect a Man from Reſiſtance, if he proceed to another. The Chimney-man that is Irreſiſtable in his Office, is Reſiſtable if he gather the Corn in the Town-fields: And the King that Receives his Commiſſion from the King of Heaven to execute the Law, and is therefore Irreſiſtable in the Execution of it, is yet Reſiſtable, if he ſhut up all the Courts of Juſtice, and abuſe his Subjects contrary to Law: In this caſe he Acts not by the Power of God, but his Own; by an Arm of Fleſh, or the Strength of Wicked Men (not by any Political Power, or Moral Power) but by the Savage Power of a Beaſt, or the Malicious Power of Hell. And how any Honor ſhould accrue to God by a Voluntary ſubmitting to ſuch a Power, is beyond my comprehenſion; they are moſt likely to Honor God, that ſtand up moſt for his Power, and will ſubmit to no other.

I have brought in theſe Two Objections here, becauſe the Declaration is the moſt ſpecious and obvious Plea for Non-reſiſtance, and is uſually back'd with one of theſe Conceits: that either want of Political Power, is but abuſe of Political Power; or that a limitted Political Power is a Sanctuary for unlimitted Actions in whomſoever it reſts.

Obj. 12. *But to reſiſt ſuch Forces as are Commiſſion'd by the King, is againſt the Royal Prerogative of the Crown.*

Anſw.

Anſw. The King has no Prerogatives (except ſuch as are wrapt up in *honorary Formalities*) but what the Law gives him, we muſt not therefore preſume a Prerogative, and then conclude it Law; but firſt find the Law, and by it prove the Prerogative; and when we have found the Prerogative, it muſt be meaſured by what the Publick Good will bear, and not by what the Abſoluteneſs of the Prerogative will admit: For no Prerogative can be uſed that is againſt the Frame of the Government, or the Publick Good. Interpretations of Law therefore ought rather to favour Liberty and Property than Prerogative; becauſe the benefiting of the Subject comes nearer to the End of the Government, than the exceſſive Honouring the Prince. Honorary Prerogatives are in their Degree neceſſary, and not ſuperfluous; there muſt be ſomething to maintain the Reverence of Magiſtrates, but they ought to give way to Publick Intereſt; and the reſt are nothing but Powers placed in the King to do Good with, and not Good or Ill as he pleaſes. A Prerogative therefore cannot deſtroy a Law, but it may ſupply its Defects, pardoning a Condemn'd Innocent, or a hopeful Penitent, or diſpenſing with a Law, to one, that by particular Accident, the Law in its Rigour would undo: But no Prerogative can Impower the King to deſtroy the Peoples Liberty or Property. That diſpenſing Power, that like a State *Opium*, caſts all the Laws aſleep, and is an Engine of Publick Miſchief, is no Prerogative belonging to the Crown of *England*, but a Vice that does not belong to it. For it brings Guilt upon the King, and Damage upon the Subject, and is a real diminution of the Dignities of the Crown: For it, and ſuch like, ſerve only to Impower the King to do Miſchief with ſecurely; that is, they give an Immunity from Puniſhment, but not from Guilt. As ſuppoſe the King by ſuch a claimed Prerogative, ſhould ſhut up all the Courts of Juſtice, ſo that none ſhould be had, he might be free from Puniſhment, but not from Guilt; he is clear by Neceſſity only, not by Right; the Caſe Tranſcends the Frame of the Government, none can Judge him that has neither Equals nor Superiours, and ſo he eſcapes; becauſe he cannot be Puniſhed, not becauſe he deſerves it not.

Thus

Thus the pretended Prerogative beſpatters him, and ſo leaves him.

Obj. 13. *But it is againſt the Supremacy; for the Supreme ought to have the Supreme credit, both in judging what is Law, and what is for the Publick Good.*

Anſw. As the King is Supreme in the Executive part, ſo the Parliament have a ſhare in the Legiſlative, which I take to be the very Apex of Supremacy, and therefore they ought to have their ſhare in interpreting Laws as well as the King, or his Judges; becauſe none knows the meaning ſo well as the Makers, if they be alive; and if they be dead, none knows the publick Neceſſities ſo well; none ſo unlikely to deceive, or be deceived, being ſo numerous; none likely to be ſo faithful, and ſo unlikely to be corrupted, having ſo great an intereſt in the publick Good; none like to be ſo effectual in working a compliance in the Peoples hearts, ſeeing it is in effect their own Determination: But yet they cannot do it without the King, for that would place his Parliament above himſelf.

The King indeed is Supreme in the Legiſlative part as well as in the Executive part, but he has not the whole Supremacy in the Legiſlative part as he has in the Executive: He is the Head of that Body in which it reſts, but the Power (like the Soul of Man) is in the whole Body, though moſt eminently in the Head. The Parliament have their Exiſtence, but not their Eſſence from him. When they are called together, they Act by a proper and inherent Right of their own, and not by the King's Commiſſion and Direction. It may be good Manners to fall upon what he directs them to firſt, but if any thing of greater Moment require diſpatch, they muſt wave a Complement to do a real Kindneſs to the publick Intereſt; which they could not do, were they his Commiſſioners, and received their power to Act by from him: It is unnatural for the Stream to ſtop the Fountain head. But ſeeing they Act by their own inherent

rent Power, when met, they can reſtrain in the King that he cannot make a Law without them, or give ſuch an interpation of any, either by himſelf or his Judges, as ſhall bind the Subjects to follow, or is not Reverſible in Parliament; for ſuch Interpretation is part of the Legiſlative Power, and that reſts in the King and Subjects Conjunctim. Had the King Authority to bind his Interpretations for Law upon the Subject, he might at Pleaſure elude any Law, and Law would be but a Sconce for Arbitrary Power. The Opinion indeed of the Judges is reverend, but not irreverſible. None can finally bind an Interpretation on the Subject but thoſe that can make Law: Therefore if the King and Parliament differ about the ſenſe of a Law, it is not legally decided till both agree in one ſenſe. But that ſenſe that is really for the Publick Good has the Right of a Law, though not the Form, and they that juſtifie ſuch an Interpretation, are juſtifiable by the Law of Nature; for though it tranſcend the Proceſs of Courts, and cannot have the force of a political Law, yet Reaſon (Mankinds prime Law) juſtifies Men to prefer a publick Good before a private Intereſt; and what is for the Publick Good, they that feel are beſt able to Judge.

Obj. 14. *But it is Diſobedience.*

Anſw. Diſobedience to a Lawful Command is a Grievous Crime, and a great Sin; but it may be a great duty to diſobey an unlawful Command. Obedience is due as far as the Law requires, and ſomething farther; a particular Perſon muſt ſuffer rather than the Honour and Majeſty of the Prince ſhould be brought into Contempt; for though the Law does not bind to this, yet Conſcience and Reaſon do, the publick Intereſt muſt be promoted, Scandal prevented, and the Government ſecured from Contempt, though it prejudice ſome particular Perſon; for ſuch Contempt may ariſe from a juſt refuſal of Obedience in ſome ſmall and ſingle Inſtances, and may be of worſe conſequence to the Publick than a private Injury,

but if the thing commanded tend to deſtroy the Government, or introduce a general Calamity, Diſobedience becomes a Duty, and ſuch commands (in this Government) are Morally, Politically, and Divinely Powerleſs; and the Diſobedient, in ſuch a Caſe, does the King as good Service, as he that diſcovers Treaſon; for he gives him Notice that his Foot is entering into a Snare, and that his Preſervation ſtands in deſiſting, and repenting if he would but heed it: And if the Diſobedience be once Good, the higher it goes the better it is, continuing ſtill Good; it is abſurd to go from Good to Worſe extenſively. Diſobedience that is Good, is ſtill better as it is more likely to prevent the Evil: And then Diſobedience Defenſive, is doubtleſs better than Paſſive; for that would introduce the Evil Voluntarily, that is, they that were not willing to do it themſelves, were yet willing to let others do it; and how far that can clear them I ſee not. For though it is not a downright conſenting to ſubvert the Government, yet it is a conſenting that it ſhall be done, rather than they will run the hazard to defend it, or prevent it; which is but *Pilate*-like, to waſh the Hands of what their Hearts tell them they are Acceſſary to.

Obj. 15. *But War is hurtful to the State.*

Anſw. The Arm that is broke cannot ſet it ſelf, nor can he that ſets it, ſet it by any Natural Power derived from the Spirit; but by a Violent diſturbing them again, the Bone-ſetter is often forced to pull them further aſunder ere he can joyn them well; and ſo it is when Wicked Men have disjoynted and broken the Bones of State, the languiſhing Law cannot reſtore it ſelf, nor can thoſe that ſeek to reſtore it, reſtore it without doing Violence to its broken part; but it is better to do that Violence, than to let them grow Crooked or Gangreen. He that has taken Poyſon muſt ſuffer the Violence of a Vomit; and they that are Sick muſt be made Sicker yet before they can be made Well. The prejudice therefore the Go-

vernment receives, by those that go about to restore it, does no more denominate them Enemies to the State than the little griping of Physick can denominate Physicians Enemies to Nature. The Evil proceeds from the Disease, not the Remedy, and the Guilt is upon them that gave the Wound, not those that dresst it; all the Anguish and Smart that follows the Skilful Chirurgeons Hand, is not to be attributed to the Chirurgeon, but to the Wicked Assassine; and therefore though this Restoration have the Evil of a Civil War, yet the Guilt of all that Evil lies upon the Causers. Men are not bound to lose their Right for fear of harming Wicked Men, nor to save a less Good, by loosing a greater; a short Evil is to be chosen rather than a perpetual one: Men had better drudge to preserve their own Freedom, than to enter into Bondage to drudge for others; and the Patriots of our Country do well to bear the Burthen of a War, rather than to become Slaves themselves, and leave Popery, Beggery, and Slavery to their Posterity.

Obj. 16. *But it is an unsafe and dangerous Medicine, it opens a gap to the People to rebel at Pleasure, and may indanger the change of the Government.*

Answ. A desperate Disease must have a desperate Cure, but doing right can no way open to do wrong; resisting illegal Forces, is hedging up a Gap, not making one. Raising of Men to take a Fellon, will not excite the same Men to rise and seize an honest Man: We must not therefore forbear to take up Arms in a just Cause, lest it should incourage others to take up Arms in a bad Cause; for then some that were breaking the Peace, and would not be quieted with Words might not be resisted, lest it should teach the People to break the Peace; but Blows bestowed on such Malefactors is no breach of Peace, and therefore can teach the People no such thing; if they do ill by that Example it is not long of the Copy, but of those that do not heed to write by it.

2. I know Men in Paſſion, and heightned with Succeſs, and back'd with Strength, are apt to ſoar with high, and fall in love with new Inventions. But this hazard muſt be run, rather than a certain change admitted. Reſiſting Illegalities, and Miſgovernment, is the way to preſerve Government; and as long as the King is ſafe, and his juſt Power and Prerogatives, the Government is in no danger; and there is not the leaſt Collour imaginable that thoſe that have ſurrendered their Offices and Honors, the Court and the King's Favour, for preſerving the Government, and are now ready to hazard their Lives in defence of it, will ever alter it: No, their deſign is to preſerve it; a greater Evidence of which they could not give at preſent than to petition for a Free Parliament.

Obj. 17. *But this caſts dirt upon the Frame of the Government, leaving room for perpetual quarrelling.*

Anſw. Neither this, nor any other Government that I know of, affords abſolute means of Peace and Preſervation: The Government is effectual enough ſo far as it reaches, but it is not extenſive enough. If the Monarch were Arbitrary, then no Cauſe could introduce Reſiſtance; the Nation might be at Peace, but the Subjects could not be ſafe, and Liberty and Property would be loſt: Therefore if Safety, Liberty and Property be worth the preſerving, they muſt be defended when Wicked Men would wreſt them from us. The Conſtitution of this Government is ſuch, That if the King and Parliament, or the King and the Subjects differ about Fundamental Rights, they have no way to reconcile the difference but by their own Conſent. If the King without the Parliament could determine the difference, he would be Arbitrary; and if the People of the Parliament could determine it without him, they would be Supream, and then it could be no Monarchy; and if the Judges had the determining Power, they would get the Supremacy from both; and if a Foreigner were to decide the Matter, he would ſeek his own Advantage; ſo that they muſt either condeſcend for Peace ſake to

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one anothers Propoſals, ſo as not to deſtroy the Government, or they muſt ſuffer the Grievance, and let the Quarrell fall for a time, till the injurious can be worn to a compliance, or they muſt fight it out; for that is their going to Law, the Souldiers are their Jurymen, and Victory is their Verdict. For the Queſtion is not about breach of Government, but whether that be the Government, or no; and ſeeing this Cauſe tranſcends the Executive part of the Government, it cannot be decided by Legal Proceſs, but by Law-makers, and if they cannot agree, Men are at liberty to joyn with that ſide they judge in the right: Reaſon and Conſcience muſt be their Guide, the Law cannot, and they that proceed on this ground are their own Warrants on either ſide, for neither have a Legal Power to determine the other; Therefore the Power of Judging is neither Authoritative nor Civil, and ſo argues no Superiority in thoſe that Judge, but only a Power reſiding in reaſonable Creatures, or judging of their own Act, of which they never were develted by any Lawful Authority, and therefore may lawfully uſe upon ſuch Occaſions; and though the Government does not warrant a Civil War, in ſuch a caſe, yet the End and Reaſon of this Government does. For it being fram'd to prevent the exorbitant Power of the Prince, for the publick Good; he that fights for the publick Good, againſt an Uſurped Power, or an Arbitrary Invader of the Governments Rights, is juſtified by the deſign, and intendment of the Frame, and conſequently by the equity of the Government, though not by any Preſcribed Form. For ſeeing many things are morally Honeſt and Profitable, that are not reduced into poſitive Laws, Men cannot proceed to thoſe things (if at any time they become neceſſary) by preſcribed Forms of Law, becauſe they have none; and ſo, in this caſe, the queſtion being not about Breach of Law, but what is Law. And the Law not able to ſatisfie both King and People, each claiming contrary Rights from the ſame Laws, the Deciſion of this Caſe, though it be very Good and Profitable for

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this Nation, yet has no prescribed form of Law to direct us to, and therefore both King and People are to proceed according to moral Honesty, to the end of the Government, that is, the publick Good.

The conclusion of all which is, That seeing resisting of Illegal and Arbitrary Forces, in defence of the Laws and Publick Interest of the Land, is not against the Scriptures, and consequently no Sin, nor against moral Honesty, and consequently no Crime (not against Law but Law-breakers, not against true Allegiance or any Prerogative of the Crown, no Rebellion, no Usurpation of the Sword, nor Criminal Disobedience, and not incommodious or unsafe for the Publick, in respect of the impendant Injuries and Hazards it removes) not inconsistent with the Frame of Government, which cannot otherwise decide an Obstinate difference betwixt King and People. I cannot but conclude it is a very Worthy and Virtuous Act to be in Arms for defence of the Laws, the King's just Rights and the publick Good, and consequently that those Gentlemen who are in Arms for defence of our Laws, Liberties, and Lives, against Illegal Forces, Arbitrary Commands, and Usurped Powers, are in a Virtuous Post. For if the Subjects Rights might not be defended by this means, it would be all lost: it being all one, in these days, to have no Right, and to have no sufficient means to defend it. The Doctrine of Non-resistance plainly puts all we have into an ill King's hands, and the good Ones will scarce part with what they are apt to love so dearly, and we parted with so freely; should we therefore Preach this Doctrine to our Princes, and tell them that they might take what we have without danger or opposition, we should teach them to try our Patience, if all must be referr'd to their Consciences, they will soon (without the help of a Jesuite) find cause enow and cause enough to secure that, and leave the examination of them to the latter Day; hatred of our Persons, love of our Estates, disgust at our Words, or Actions

ons, or diſlike of our Religion, will ſoon judge us unworthy of our Liberty and Property, as well as it has already done of our Offices, Honors, and Preferments: Paſſion and Scorn, Pride and Ambition, Coveteouſneſs and Prodigality, would all prey upon what we had, with a quiet (though not with a good) Conſcience; but eſpecially if the King were Poor and Neceſſitous, either by wilful Profuſeneſs or Negligence; for Nature would even tell him in ſuch a Caſe, That we had all better want than he, and then farewel Property; the worſt you could do him was but to periwig a bit, and perhaps that might become a Pleaſure to him too; and then you had nothing to reſt on, but that God would give you the Kingdom of Heaven, for beggaring your Selves, impoveriſhing the Church, and giving what you had to the Devils Service; an ill ground for ſuch coſtly hopes to ſtand upon.

2. This Doctrine renders Government prejudicial to the greateſt part of Mankind, depriving them of all juſt defence: For the Illegal Force bars them of Legal Defence; and the Doctrine of Non-reſiſtance bars them of Corporal, and ſo Man (under one of the beſt Governments in the World) is left Naked in the midſt of Savage Beaſts, (for *homo lupus*) and muſt not, though be able, make any defenſe for himſelf. Thus all the Rights of Society and Nature, are ſacraficed to the luſt and age of a Wicked King, and his Evil Inſtruments; and the Body Politick is really in a worſe condition than an unlimitted Multitude, for they may defend themſelves (if they will) againſt any Enemy; but theſe have an Enemy, and may not defend themſelves, though in never ſo juſt a Cauſe; and what is worſt of all, muſt hold their own Hands whilſt others cut their Throats.

Laſtly, This Doctrine would make all Monarchs Arbitrary Monarchs, and a like in effect; for if the Subjects may not (nor ought if they were able) reſiſt the Prince any further than by refuſing to joyn with him, then he were Arbitrary, and might do what he pleas'd without oppoſition,

tory be laid but a Moral restraint, and the most absolute Monarch had that upon him; and all limitations in the Fundamentals of Government would be idle and superfluous, because they contained only such Rights as others might take from us at Pleasure, and we might not defend or oppose. But the end of limitted Monarchies is not that the Monarch might not Lawfully or Rightfully oppress; for an Arbitrary Monarch is bound to all that. But the end of all limitations in Government is, that the Prince may want Means as well as Right to oppress, that he may not be able to injure the Subject at all, either Lawfully or Unlawfully; they are limitted to govern by Laws, that they may want Means as well as Right to include the Subjects Property. But the Doctrine of Non-resistance gives them Means for a Temptation, and is indeed but a fair Bait to draw them into a Snare.

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